

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**DEVELOPERS DIVERSIFIED OF)
TENNESSEE, INC., n/k/a DDR CORP.,)**

Plaintiff,)

v.)

**TOKIO MARINE & FIRE)
INSURANCE CO.,)**

Defendant.)

**Case No. 3:04-cv-00015
Judge Knowles**


ORDER

For the reasons set forth in the accompanying Findings of Fact and Conclusions of Law, the Court finds and concludes that Plaintiff is entitled to a declaratory judgment in its favor and against Defendant, declaring that Plaintiff has no duty to pay Defendant for any subrogated amounts, and the Court SO DECLARES. The Court further finds and concludes that Defendant has failed to establish any of its claims against Plaintiff, and Defendant's Counterclaim is DISMISSED.

The Clerk is directed to close this file.

This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.



E. CLINTON KNOWLES
United States Magistrate Judge

